

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

22 Civ. 9608 (PKC)

PERMANENT INJUNCTION
ORDER

v.

INFINITY Q DIVERSIFIED ALPHA FUND,

Defendant.

-----X

CASTEL, Senior District Judge:

Upon application of the Special Master and having heard all interested persons, including the Mutual Fund Opt-Out Plaintiffs (ECF 128), the Court finds, pursuant to the All Writs Act, 28 U.S.C. § 1651, that this Order is necessary to (i) protect the Court’s exclusive jurisdiction over the limited *res*, i.e. the remaining assets of the Defendant Infinity Q Diversified Alpha Fund (the “Fund”); (ii) prevent the dissipation of the Fund’s remaining assets due to the Fund’s advancement and indemnification obligations; and (iii) achieve a pro rata distribution of the Fund’s remaining assets to defrauded shareholders that is fair and equitable to all shareholders.

Accordingly, this Order applies to (a) the parties, their officers, agents servants, employees and attorneys; (b) any other person in active concert or participation with a person described in (a); and (c) any party to a pending or future civil proceeding of

any nature involving the Fund (collectively, the “Enjoined Persons”).

The Enjoined Persons are permanently enjoined and restrained from the following acts: commencing or maintaining any pending or future civil legal proceedings of any nature involving or affecting the above-defined Fund, the Special Master, or the funds held in the Special Reserve maintained by the Special Master from proceeding against the Fund, the Special Master, the Trust for Advised Portfolios, and the following indemnitees of the Fund: all current and former Trustees and Officers of the Fund and Quasar Distributors, LLC, provided, however, that any affirmative defenses and counterclaims asserted by EisnerAmper LLP against the Trust for Advised Portfolios, on behalf of the Fund, in the action captioned Trust for Advised Portfolios, on behalf of the Infinity Q Diversified Alpha Fund v. U.S. Bancorp Fund Services, LLC & EisnerAmper LLP, Index No. 652179/2024 (Sup. Ct., Comm'l Div., N.Y. County) (Crane, J.) (the “State Action”), are not stayed or enjoined by this Order, and nothing in this Order (1) prohibits EisnerAmper LLP from asserting any such affirmative defenses and counterclaims against the Trust for Advised Portfolios in the State Action; nor (2) shall be construed as bearing upon whether any such counterclaims or affirmative defenses brought by EisnerAmper LLP in the State Action would be procedurally proper or have any merit.

This Court retains jurisdiction to enforce this Order, modify this Order or enter supplemental Orders.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
November 8, 2024
4:03 p.m.